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Gaston County Board  
of Commissioners

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GASTON COUNTY

COMMISSIONER'S COURT

NORTH CAROLINA

OCTOBER 24, 2017

The Gaston County Board of Commissioners (BOC) met in Regular Session on October 24, 2017 at 6:00 pm, in The Harley B. Gaston, Jr. Public Forum, Gaston County Courthouse.

Chairman Chad Brown presided with Commissioners Ronnie Worley, Vice-Chairman; Allen R. Fraley, Don Grant, Bob Hovis, Tom Keigher and Tracy L. Philbeck in attendance.

Others present included Earl Mathers, County Manager; Charles L. Moore, County Attorney; and Donna S. Buff, Clerk to the Board.

Upon request of Chairman Brown, Commissioner Philbeck, led those assembled in the Invocation and Commissioner Hovis led in the Pledge of Allegiance during the preceding Work Session.

#### **Judge William Gaston Award Presentation**

Chairman Brown presented:

- A very important part of this Board's mission is to encourage citizen participation in county government and community involvement.
- In 1998, the County Commission established an annual award bearing the name of the County's namesake, Judge William Gaston (1778-1844), to recognize those volunteers who have demonstrated exemplary commitment, dedication, and leadership. Since its establishment, the County Commission has honored 60 recipient volunteers for their services to the Gaston County community.
- This year the Board of Commissioners has the privilege of presenting the William Gaston Award to one outstanding individual: Mrs. Leigh Hasty Spach
- At this time, I would ask Mrs. Leigh Spach to come to the podium along with any family and friends she has with her to receive the William Gaston Award.
- Commissioner Grant will be making the presentation.

#### **Mrs. Leigh Hasty Spach**

Commissioner Grant presented:

- Mrs. Leigh Spach has been described as a devoted and highly motivated public servant. She has committed many years to serving Gaston County and its citizens. As the United Way's Donor Relations Coordinator, Leigh believes that educating our community on the importance of "giving back for the benefit of those less fortunate" is essential to building a stronger community for our residents
- Before coming to work for the United Way of Gaston County, Leigh worked with the *Alliance for Children & Youth, Community in Schools*, a *United Way* partner agency. During that time, along with the *Community Foundation of Gaston County*, Leigh helped to create **Teens Changing Gaston County**, a youth-led philanthropy program that teaches young people in our County the importance of donating and volunteering in the service of others. This program is now a very successful YMCA program. She also worked to help improve the graduation rate at Hunter Huss High School
- Leigh is an active member of the Family Advisory Board of Gaston County, which makes non-profit funding recommendations for prevention-based services to the Gaston County Board of Commissioners. She was the former Secretary to the Board, a position she held for 8 years, and was instrumental in updating the Board's By-Laws and improving the grant process which is still in place today
- Most recently she has been asked to join the Robinwood Lake YMCA Leadership Team. This team will be instrumental in assessing the community's needs and will help the new YMCA be the best it can be
- Leigh's sense of community has led her to hold positions on many other boards including the Steering Committee for the **Community Foundation Run** since 2006; the **Safe Kids Coalition** for 4 years; and she served as Board President and Board Member for **Junior Achievement of Gaston County**
- Leigh is married to Fred Spach, Jr., President of Carolina Brush Company. Together they have raised 3 children – Melissa O'Brien who now lives and works in Charlotte, and William O'Brien and Adam Spach who both attend East Carolina University. She enjoys water skiing, entertaining friends and family hiking, walking her two dogs, Sophie and Grady, gardening, and pretty much anything outdoors.
- Leigh, the County Commission is indebted to you for your many years of service and for your continuing efforts to make Gaston County a better place to live, work and play
- On behalf of the County Commission, it is my pleasure to present you with the William Gaston Award.

Mrs. Spach accepted and thanked the BOC for the award; advised that Gastonia and Gaston County is a community of caring and philanthropic people.

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Chairman Brown stated it has been a pleasure working with Mrs. Spach on the Family Advisory Board.

Public Hearing - . Zoning Map Change: (Z17-08) Chuck Coffey (Applicant); Property Parcel(s) 170048, 131798 (portion of) and 207679 (portion of) Located at 114 Eason Road, Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District with the (US) Urban Standards Overlay District, to the (I-2) General Industrial Zoning District with the (US) Urban Standards Overlay District

Chairman Brown announced the Public Hearing as advertised; explained procedures to be used; called for the motion to enter into Public Hearings.

On motion introduced by Commissioner Philbeck and seconded by Commissioner Worley, the BOC unanimously entered into Public Hearings.

With a quorum of the Planning Board in attendance, Chairman Brown recognized Mrs. Sarah Penley, Planning GIS Specialist 3, for comments.

Mrs. Penley restated the request as outlined above; advised that Mr. Coffey is a representative of Hayes Fluid Controls and the property owners are Gastonia Associates, LLC (c/o Hayes Fluid Controls and CDS Partners, LLC); the request is to rezone one and a portion of two adjoining parcels totaling 7.24 acres from (R-1) Single Family Limited Zoning District with Urban Standards Overlay (USO) to (I-2) General Industrial Zoning District with USO. The current use of property is industrial with two existing businesses occupying the sites. She reviewed vicinity and aerial maps depicting the site's location and existing zoning (R-1, I-2, and C-3); property is located in the Hwy 321 North Central Gaston Small Area District of the Comprehensive Land Use Plan (Comp Plan); it is staff's opinion that the goals and objectives of the proposed map amendment are consistent with the Comp Plan; the Town of Dallas was notified and no comments were received; staff received one phone call for general information.

Chairman Brown called for citizen comment and for questions from the Planning Board and BOC; hearing none, moved to the next item of business.

Public Hearing - Zoning Map Change (Z17-09) Betty Cabaniss (Applicant); Property Parcel(s): 209213 and 209212, Located at 601 Hephzibah Church Road, Crouse, Rezone from the (R-1) Single Family Limited Zoning District to the (R-3) Single Family General Zoning District

Chairman Brown introduced Mrs. Penley for comments.

Mrs. Penley restated the request as outlined above; advised the property owners are Randy and Betty Cabaniss and Ms. Katherine Moore; request is to rezone two parcels totaling 12.79 acres from (R-1) Single Family Limited Zoning District to (R-3) Single Family General Zoning District; current use of property parcel 209212 is occupied residential with two existing single-wide manufactured homes; parcel 209213 is vacant acreage. She reviewed vicinity, aerial and zoning review maps depicting the property's location in the Northwest Gaston Small Area District of the County (in close proximity to City of Cherryville's extraterritorial jurisdiction (ETJ) and Lincoln-

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Gaston County line); advised there is some adjoining property to the west and north, some residential to the south, commercial to the southwest, and surrounding residential to the north and east; majority of site is surrounded by R-1 District with some commercial zoning to the west; it is staff's opinion that the proposed map amendment is consistent with the Comp Plan; the City of Cherryville was notified and no comments were received; staff received two phone calls for general information and clarification and one written letter from an adjoining property owner (Mr. David Cabiness - not in attendance), asking staff to present his comments for consideration. Mrs. Penley distributed the letter to the BOC.

On motion introduced by Commissioner Philbeck and seconded by Commissioner Fraley, the BOC unanimously accepted the letter as information.

Chairman Brown called for citizen comments.

Ms. Katherine Moore, 5505 Old Farm Road, Gastonia, advised her Mother purchased subject property in 2006; wants to add one additional trailer on property for her 21-year-old married grandson who has a new baby; she is looking for affordable housing and is trying to keep the family close.

Chairman Brown called for questions from the Planning Board and BOC; hearing none, moved to the next item of business.

Public Hearing – Zoning Map Change (Z17-10 Richard Welch (Applicant); Property Parcel 169762 Located at 827 Dallas Spencer Mtn. Road in Dallas. Rezone from (R-1) Single Family Limited Zoning District with the (US) Urban Standards Overlay District to the (C-1) Light Commercial Zoning District with the (US) Urban Standards Overlay District

Chairman Brown introduced Mrs. Penley for comments.

Mrs. Penley restated the request as outlined above; advised the property owners are Mr. Richard Welch, Mr. Andrew Jenkins and Mr. Darryl Carpenter; the request is to rezone one parcel with 1.14 acres from (R-1) Single Family Limited Zoning District with USO to the (C-1) Light Commercial Zoning District with USO; current use of property: residential and commercial with and existing singlewide manufactured home and garage; vicinity map depicts the property is outside the town limits of Dallas (located to the east between Dallas and Spencer Mountain); aerial view depicts one existing singlewide mobile home and garage on the property which is primarily surrounded by residential housing with some commercial uses within a mile of the property; zoning map depicts primarily R-1 residential zoning and some C-1, C-3, and I-2 zoning; property is located in the North 321 Gaston and Northcentral Gaston Small Area District of the Comp Plan; it is staff's opinion that the proposed map amendment is consistent with the Comp Plan goals and objectives; no municipal coordination was required; no phone calls were received.

Chairman Brown called for citizen comments and for questions from the Planning Board; hearing none, called for questions from the BOC.

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Commissioner Philbeck inquired about the former use of the building; the difference between R-1 and C-1; and what the owner could do by right under C-1 that owner could not do under R-1.

Mrs. Penley advised that no calls had been received to date; the existing structure has been used as a garage for 20+ years, as a non-conforming commercial use in a residential zoning district; when the Spencer Mountain Volunteer Fire Department relocated, it became a garage prior to adoption of Zoning Ordinance; think the new property owner wants to continue that use, but also bring it into a conforming zoning district.

Mr. David Williams, Planning and Development Services Director, advised that R-1 is primarily residential site built homes only in that particular area; C-1 allows primarily commercial but also residential in that district; C-1 is akin to the Neighborhood Business Services District that was previously under the old Zoning Ordinance; the C-1 district is more of a Light Commercial District designed for this particular type area.

Commissioner Philbeck cited some of the allowed uses; asked if residents are notified in writing when the zoning district switches from R-1 to C-1.

Mr. Williams advised that staff sends out notifications describing the zoning district request; that notification does not list all of the uses by right in the description.

Commissioner Brown asked if the Parallel Conditional Use Permit (PCUP) could ever have a conditional use stating it is the same type of garage facility as a conforming use.

Mr. Williams responded that is an option, and that staff conveys that to the Applicant; understand the Applicant has a particular commercial idea he would like to do; opening it up would give him more flexibility; a PCUP would target it just for the use(s) the Applicant is interested in.

Commissioner Brown stated that he preferred to know the uses.

Commissioner Philbeck noted concern with getting a notice in the mail about a non-conforming commercial business; advised that homeowners may not have a full understanding of what can be put in there once it is rezoned C-1; personally would lean towards a PCUP but will see what the Planning Board decides.

Hearing no further questions from the BOC, Chairman Brown moved to the next item of business.

Public Hearing – Zoning Text Amendment: (ZTA 17-01) Applicant: Gaston County Planning Board - To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO), Chapter 2 (Definitions): Section 2.7; Chapter 7 (Uses and Building Lots Standards): Table 7.1.-1 and Section 7.6.3; Chapter 8 (Supplemental Regulations): Sections 8.2.11, 8.2.42, 8.3.11; Chapter 12 (Sign Regulations): Tables 12.4.2, 12.4-3 and Section 12.5.4

Chairman Brown introduced Mr. David Williams for comments.

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Mr. Williams advised the Planning Board reviewed the proposed text amendments to Chapters 2, 7, 8 and 12 at its August 22<sup>nd</sup> and September 26 meetings, and unanimously recommended holding a Public Hearing for the BOC's adoption consideration; the proposed text amendments reflect minor updates and adjustments to the Unified Development Ordinance (UDO). It is staff's opinion that the proposed text amendments are consistent with the land use plan, goals and objectives; the proposed text amendments were advertised per County policy.

Chairman Brown called for citizen comment and for questions from the Planning Board and BOC; hearing none, excused the Planning Board to Room 2029 for deliberations.

Public Hearing – Re: Commissioner Philbeck – Planning/Zoning – To Approve Naming of Private Drive as H And H Farm Road

Chairman Brown introduced Mrs. Penley for comments.

Mrs. Penley advised staff was presented with a property owner's petition bearing 100% signatures to name a private drive (accessing parcels 216477 and 219748) in the Dallas Township off Puetts Chapel Road; the combined parcels total 24.83 acres; one permit is outstanding for construction of a barn that the owner intends to build at a later date with the possibility of four homes; Applicant wishes to name the private drive H And H Farm Road – a non-duplicating road name, that is acceptable for 911 use. She reviewed vicinity and aerial maps depicting location off Puetts Chapel Road in the north central to northwest area of the County; the area is primarily vacant with exception of the construction of a barn currently underway at front of the most southern parcel; have the proposed site plan and preliminary plat that property owner provided as a courtesy; staff is only reviewing this to name the easement; if property owner subdivides property as presented on plat, staff would review that in-house because it would be a minor subdivision; property owner proposes to possibly split four tracts out and build a home for himself one day; the Planning Board reviewed the application and approved recommendation to the BOC at their August 26 meeting; notices were mailed in accordance with County policy; no calls have been received to date; staff recommends approving the application as it fulfills the requirements set forth in the Address and Road Naming Ordinance.

Commissioner Brown requested clarification on the spelling of the proposed road name.

Mrs. Penley responded the Resolution should be correct because staff had to spell the name out since 911 does not take symbols any more.

Chairman Brown called for citizen comment and for questions from the BOC; hearing none, called for a motion to approve.

On motion introduced by Commissioner Philbeck and seconded by Commissioner Grant, the BOC unanimously adopted Resolution **2017-237** as follows:

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WHEREAS, the Gaston County Planning Board is authorized to provide recommendations for Street Naming or Street Renaming of roadways in the unincorporated areas of Gaston County; and,

WHEREAS, the Gaston County Planning Board reviewed the street proposed for naming and after consideration are recommending the change below.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners approve the road name changes as follows:

**Naming of private drive as H And H Farm Rd**

BE IT FURTHER RESOLVED that the County Manager is authorized to make the necessary notifications to the appropriate State and local officials.

Public Hearing – City of Belmont – 1) Belmont Planning and Zoning Board ETJ – Continued from September 26, 2017 Regular Meeting

Chairman Brown reported that one position was available on subject board; application was received from Mr. Walter Dixon as recommended by the Belmont City Council, to serve as an extraterritorial jurisdiction representative. The Chairman called for any additional applications or comments.

Chairman Brown called for citizen comment; hearing none, called for questions from the BOC.

Commissioner Philbeck explained his opposition to ETJs and noted his reason for voting against ETJ appointments.

Chairman Brown called for a motion to approve.

On motion introduced by Commissioner Worley and seconded by Commissioner Hovis, the BOC reappointed Mr. Walter Dixon to the **Belmont Planning and Zoning Board** to a term ending September, 2020.

The vote carried as follows:

Ayes: Commissioners Brown, Worley, Fraley, Grant, Hovis and Keigher  
Nay: Commissioner Philbeck

Public Hearing – Re: Commissioner Hovis – EDC – To Authorize a Gaston County Level 3 Economic Development Grant – Project “C”

Chairman Brown introduced Mr. Donny Hicks for comments.

Mr. Donnie Hicks, Economic Development Director, advised staff has been working on Project “C” for several years to help an existing industry expand and consolidate most of its North American production in Gaston County; have already taken steps to make that happen, but the final step is to approve a Level 3 grant; will be asking the corresponding municipality to match the grant next week and expects it to be approved. He asked the BOC to allow EDC to spend up to \$75k to match the State's grant; believes the State will offer a \$500,000 Building Reuse Grant to help company decide to locate in North Carolina, specifically in Gaston County. Anticipate the



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company will invest \$18M (\$15M in the building; \$3M in machinery and equipment); will hire at least 20 people with an average salary of over \$40,000; average County's wage is \$38,000; the County will pick up an \$18M investment, 150,000SF and 20 new jobs; ultimately want this to be the center of North American manufacturing for the whole company; will be glad to answer any questions from the BOC.

Chairman Brown called for citizen comment and for questions from the BOC; hearing none, called for a motion to approve.

On motion introduced by Commissioner Hovis and seconded by Commissioner Brown, the BOC unanimously approved Resolution **2017-238** authorizing a Gaston County Level 3 Economic Development Grant – Project "C" as follows:

WHEREAS, Project "C" is considering an investment of \$18,000,000 in a Gaston County manufacturing facility, including the installation of machinery and equipment and the expansion of the building; and,

WHEREAS, North Carolina General Statute §158-7.1 authorizes a County to undertake an economic development project by providing grants for rehabilitation of existing structures and the relocation of existing industry; and,

WHEREAS, the Gaston County Board of Commissioners finds that it is in the best interests of the County to provide a Level 3 economic development grant to Project "C", that Project "C" will increase the taxable property, employment, industrial output and business prospects of the County, and further that Project "C" may not occur except for the offer of the County grant; and,

WHEREAS, the Gaston County Board of Commissioners has held a public hearing to consider whether to approve the grant to Project "C".

NOW, THEREFORE, BE IT RESOLVED, that Gaston County Board of Commissioners:

The Chairman of the Gaston County Board of Commissioners is authorized to:

1. Execute a Gaston County Economic Development Level 3 Grant Agreement.
2. Execute any documents necessary to obtain additional State incentives including up to a \$75,000 cash match for a NC Building Reuse Grant. This will potentially be paid prior to the Gaston County Level III Grant's first payment. The \$75,000 will be taken from the Gaston County Grant proceeds to the company.

Public Hearing – Re: Commissioner Keigher – EDC – To Authorize a Gaston County Economic Development Grant – Stabilus

Chairman Brown introduced Mr. Hicks for comments.

Mr. Hicks advised that representatives (Mr. Greg Weeks, Ms. Karen Davis, and Mr. Doug Lee) from Stabilus were in attendance to answer additional questions. He noted that he has worked with Stabilus extensively for a number of years. Stabilus has continuously expanded its operations and is a great example of an advanced manufacturing facility. In 2016, Stabilus invested \$10M in new machinery, added nine operators and one engineer; the Gaston County location was chosen among all other worldwide operations that make their pneumatic springs, to be the center for this machinery; they are following that up with another \$10M in new machinery in 2019, and need a training center attached to this new equipment. Mr. Hicks explained that in the past they have sent people to their Europe facility for training and did not have the benefit of training on-site with equipment in robotic cells; the best solution for them is to have a cell set up in the facility for training; Stabilus will hire 24 more people; the average starting pay rate will be

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\$53k-57k/year; each of those jobs are \$15k-\$20k/year greater than Gaston's average pay rate of \$38k. Stabilus is the fourth-largest electrical customer in Gastonia; have an assessed value of almost \$30M; paid County \$254,000 last year in taxes. Their request is for the County to help them set up this training cell in their facility, to be shared with Gaston College if needed, to support existing machinery and add additional machinery with similar training requirements and use as a launch pad to make all the new equipment successful.

Commissioner Brown called for citizen comments; hearing none, called for questions from the BOC.

Commissioner Hovis advised this is a forward-thinking project in retaining established and existing industry and is what the County should be doing to encourage future growth.

Commissioner Keigher advised that the County is very interested in creating new businesses, but needs to remain cognizant of retaining current businesses. He noted that he often encourages existing industries to take advantage of this valuable resource.

Chairman Brown relayed his thanks to all involved, including Mr. Weeks and his staff.

Hearing no further questions, Chairman Brown called for a motion to approve.

On motion introduced by Commissioner Hovis and seconded by Commissioner Grant, the BOC unanimously approved Resolution **2017-239** authorizing a Gaston County Economic Development Grant – Stabilus as follows:

WHEREAS, Stabilus USA is considering the development of an advanced training facility in its Gaston County manufacturing facility, in addition to the installation of new machinery and equipment; and,

WHEREAS, North Carolina General Statute §158-7.1 authorizes a County to undertake an economic development project by providing grants for rehabilitation of existing structures and the relocation of existing industry; and,

WHEREAS, the Gaston County Board of Commissioners finds that it is in the best interests of the County to provide a \$25,000 cash grant to facilitate the internal improvements to the Stabilus facility. The Board of Commissioners finds that the grant will increase the taxable property, employment, industrial output and business prospects of the County, and further that the project may not occur except for the offer of the County grant; and,

WHEREAS, the Gaston County Board of Commissioners has held a public hearing to consider whether to approve the grant to Stabilus.

NOW, THEREFORE, BE IT RESOLVED, by the Gaston County Board of Commissioners that:

The Chairman of the Gaston County Board of Commissioners is authorized to:

1. Execute a Gaston County Economic Development Grant of \$25,000 to Stabilus.

and per Budget Change Request:

Account Description	Account Number	Amount
Land Purchase and Development	040-07-4920-4920-540004-18120	(\$25,000)
Advanced Mfg Training Grant	040-07-4920-4920-560000-18131	\$25,000

Chairman Brown called for a motion to close the Public Hearings.



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On motion introduced by Commissioner Philbeck and seconded by Commissioner Grant, the BOC unanimously closed the Public Hearings.

**Agenda Revision/Approval**

On motion introduced by Commissioner Hovis and seconded by Commissioner Fraley, the BOC unanimously approved the Agenda of October 24, 2017.

**Approval of Minutes**

On motion introduced by Commissioner Worley and seconded by Commissioner Grant, the BOC unanimously approved the Minutes of the Regular Meeting of September 26, 2017, Closed Session of September 26, 2017 pursuant to NCGS 143-318.11(a)(6) and Closed Session of October 10, 2017 pursuant to NCGS 143-318.11(a)(3).

**Citizen Recognition**

Ms. Regina Green, 4207 Springview Dr., Dallas, NC, distributed letter (Requesting Approval for the Gaston County Tax Assessment Program) to the BOC; advised she lives on a street that is not state maintained; twelve residents live on this street that has been there for 40 years and cannot afford the \$35,100 (to be split by 12 residents) to fix street to meet state standards; they have exhausted every attempt to get help; this is an asphalt street, versus a dirt road, and does not qualify for the County's Tax Assessment Program. She asked if the BOC would consider the Tax Assessment Program for the street.

On motion introduced by Commissioner Keigher and seconded by Commissioner Worley, the BOC unanimously accepted the letter as information.

Chairman Brown advised that the issue would be addressed by the County Manager's Office, and that someone would contact her about the issue.

**Consent Agenda**

On motion introduced by Commissioner Philbeck and seconded by Commissioner Grant, the BOC unanimously approved the Consent Agenda as follows:

**2017-240 Commissioner Worley - BOC - To Approve a Resolution of Support for Centralina Mobility Management and Volunteer Transportation Services NCDOT FY2018-19 Grant Application**

**2017-241 Commissioner Worley - Budget/Purchasing - To Accept and Appropriate a \$5,000 Grant Awarded to the Gaston County/District 27/Division of Adult Corrections and Juvenile Justice from the NC Department of Health and Human**

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**Services/Division of Mental Health, Developmental Disabilities, and Substance Abuse Services per Budget Change Request:**

Account Description	Account Number	Amount
Stacked Deck Grant (YPGAP)	010-01-4131-4131-420001-18591	(\$5,000.00)
Stacked Deck Grant (YPGAP)	010-01-4131-4131-560000-18591	\$5,000.00

**2017-242 Commissioner Brown - Cooperative Extension - To Accept and Appropriate \$62,275 in State Grant Funds for Extension's Parenting Education Program per Budget Change Request:**

Account Description	Account Number	Amount
Smart Start Program	010-07-4950-4950-425083-	[62,275]
Smart Start Program	010-07-4950-4950-425083-18593	62,275

**2017-243 Commissioner Philbeck - County Attorney - To Amend 2009-391 and Enable Monies Associated with the Voluntary Demolition Program to be Used for Nuisance Abatement Purposes****2017-244 Commissioner Brown - DHHS (Health Division) - To Accept and Appropriate Funds Received from CaroMont Regional Medical Center for the Community Health Assessment (\$20,000) per Budget Change Request:**

Account Description	Account Number	Amount
Other Grants	011-05-5110-0000-430000-18130	(\$20,000)
FY18 CaroMont CHA	011-05-5110-0000-560000-18130	\$20,000

**2017-245 Commissioner Brown - DHHS (Health Division) - To Accept and Appropriate Grant Funds Received from the GlaxoSmithKline Foundation for the Substance Treatment and Rehabilitation Program (\$5,000) per Budget Change Request:**

Account Description	Account Number	Amount
Other Grants	011-05-5115-0000-430000-18129	(\$5,000)
GSK STAR Project	011-05-5115-0000-560000-18129	\$5,000

**2017-246 Commissioner Brown - DHHS (Social Services Division) - To Accept and Appropriate \$54,000 in Adoption Promotion Funds to Enhance Gaston County's Adoption Services Program per Budget Change Request:**

Account Description	Account Number	Amount
Adoption Promotion - Federal	020-05-5471-0000-425024-	(47,937)
Adoption Promotion - State	020-05-5471-0000-425140-	(6,063)
Special Programs:		
Special Children Adoption Program	020-05-5471-0000-560000- 00324	54,000

**2017-247 Commissioner Brown - DHHS (Social Services Division) - To Accept and Appropriate First Quarter Donations for the Domestic Violence Shelter, Child Advocacy Center, Adult Services Program, Nutrition Program, and Children Services (\$19,610) per Budget Change Request:**

Account Description	Account Number	Amount
Shelter: Donations	020-05-5582-0000-415001-	(2,162)
Shelter: Private Grants	020-05-5582-0000-430008-	(2,259)
CAC: Donations	020-05-5585-0000-415001-	(3,870)
Adult Services: Donations	020-05-5600-0000-415001-	(414)
Nutrition: Donations	020-05-5622-0000-415003-	(905)
Residential Child Care: Donations	020-05-5867-0000-415001-	(10,000)
Special Programs: Donations Shelter	020-05-5582-0000-560000-08162	4,421

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Special Programs :Donations- CAC	020-05-5585-0000-560000-16282	3,870
Special Programs: Donations- Adult Serv	020-05-5600-0000-560000-08159	414
Special Programs: Donations- Nutrition	020-05-5600-0000-560000-15259	905
Special Programs: Residential Child Care	020-05-5867-0000-560000-17228	10,000

**2017-248 Commissioner Brown - DHHS (Social Services Division) - To Accept and Appropriate a Christmas Donation in the Amount of \$50,000 for the Children and Family Services Division per Budget Change Request:**

Account Description	Account Number	Amount
Residential Child Care: Donations	020-05-5867-0000-415001-	(50,000)
Special Programs: Residential Child Care	020-05-5867-0000-560000-16194	50,000

**2017-249 Commissioner Hovis - Finance - To Accept as Information the Attached Property Tax Refunds Less than \$100. These Tax Refunds Should Be Recorded in the Board's Minutes. (Real Property Tax Refunds - \$8,763.31; Total HB20 Refunds - \$1,111.45; Total NCVTS Refunds - \$4,020.14; Total Vehicle Refunds - \$5,131.59) as follows:**

Gaston County, North Carolina Listing of Property Tax Refunds Less Than \$100.00 for Real Property  
To be Reported at the October 24, 2017 Board Meeting

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
Alice Harris	58.32	Johnny Toliver	70.28
Alissa Bates	99.71	Johnny Williams	91.77
Anita Mitchem	76.40	Johnny Williams	92.44
Anita Mitchem	76.65	Jonanne Melton	76.41
April Chavis	66.67	Jonathan Love	22.58
Atlantis Title Co	13.59	Judy Page	16.25
Bernard Clemmer	18.12	Juston Fisher	59.29
Billie Wright	25.50	Karen Glenn	33.00
Billy Friday	99.99	Karen Shambaugh	26.81
Braxton Homesley	25.00	Karen Shambaugh	57.39
Brett Oates	24.36	Karl Larsen	10.55
Brett Oates	24.36	Kathy Helton	13.04
Brett Oates	24.36	Kenneth Langley	10.00
Brian Littlejohn	91.51	Kevin Murphy	90.87
Brian Littlejohn	99.18	Kimberly Fortner	64.63
Bryant Hicks	10.10	Kimberly Haynie	53.09
Carl Leatherman	2.00	Kimberly Haynie	67.74
Carolyn Mundy	1.93	Kimberly Haynie	72.12
Cecil Sheets	21.64	Kimberly Haynie	76.69
Charles Murray	54.35	Knipp Law Office PLLC	10.00
Charles Murray	65.56	Larry Hiland	7.10
Charlotte Melton	87.00	Law Office of Elyse B Johnson PLLC	1.69
Christopher Shepherd	38.82	Leanna Hamblen	30.84
Christy Owens	88.55	Lisa Fisher	37.79
Cleroy Dunlap	22.84	Lori Gillis	68.04
Cleroy Dunlap	28.07	M & M Sales Inc	2.00
Cleroy Dunlap	28.26	Marcelene Arms	70.00
Cleroy Dunlap	34.81	Marcelene Arms	70.00
Cleroy Dunlap	38.58	Martin Bess	14.00
Cleroy Dunlap	44.07	Mary Stamey	23.00
Cleroy Dunlap	95.20	Melissa Blackman	36.90
CP Morgan Comm Charlotte LLC	2.55	Melissa Fanning	3.60
Curtis Gibbs	77.52	Melody Lane	18.56
Cynthia Murphy	28.03	Michael Ewing	1.72
D&D Professional Installers	4.10	Michael Jordan	16.39
D&D Professional Installers	21.72	Michael Jordan	34.50
Danny Clark	10.98	Michael Stone	1.94
Danny Parker	2.91	Michelle Hall	10.96

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Daphne Price	50.50	Michelle Hall	49.54
Darren Waldrop	72.00	Morrow & Britton PLLC	12.63
David Kalston	1.50	Morrow & Britton PLLC	24.30
David Pegram	20.00	MPH2 LLC	26.99
David Rhyne	65.06	Murphy Electric Service	60.93
David Shields	57.02	Nancy Hughes	11.27
David Stamps	43.24	Nationstar Mortgage LLC	32.82
Deborah Ledbetter	4.64	New Hope Psychiatric Service	3.00
Deborah Webster	89.20	Nora Price	2.48
Debra Mercer	63.36	Pamela Patterson	2.44
Delbery Dixon	6.90	Patricia Bond	3.95
Denise Rodgers	93.91	Patrick Swann	7.36
Dennis Norman	37.51	Patrick Swann	20.80
Donald Smith	1.05	Phyllis Hammonds	68.04
Donald Welch	26.22	Phyllis Hammonds	81.34
Donald Welch	27.47	Phyllis Rhyne	46.34
Donald Welch	54.00	Rachel Falls	25.00
Donald Welch	54.00	Rafael Rivera	20.07
Donna Carver	1.35	Ramos Access Floor Installations	2.00
Douglas Harris	62.05	Ray Dellinger	53.73
Earl Lewis	66.10	Renae Veira	8.92
Elvin Nichols	41.79	Richard Smeltzer	12.93
Elvin Nichols	60.46	Ricky Alexander	93.09
Elvin Nichols	63.30	Robert Heustess	22.67
Elvin Nichols	73.04	Robert Heustess	40.32
Elvin Nichols	80.34	Robert Pruett	59.53
Elvin Nichols	92.11	Robert Richards	10.00
Erika Lloyd	83.72	Robert Walls	38.83
Evelyn Cable	13.00	Robert Walls	55.47
Evelyn Floyd	2.17	Robert Whitt	7.04
Evelyn R Holden	32.38	Robin Buchanan	23.75
Evelyn R Holden	68.58	Rocia Lewis	47.93
First Title & Escrow Inc	94.98	Rocia Martin	78.56
Friedhelm Ilse	90.00	Ron Wilson	47.26
George Anderson	82.09	Ronald Hobbs	37.35
George Winecoff	20.00	Rosario Benavides	48.89
Gerald McPeters	45.73	Roy Hagans	14.32
Gregory Russell	23.45	Ruth Bedgood	90.00
Gregory Thompson	44.19	Sable Hall	81.08
Gregory Thompson	55.75	Samuel Pimentel	4.21
Harriet Pearson	1.59	Savannah Heilig	52.07
Harry Marsh Law	31.09	Selleck Hill Land Co	10.00
Heather Rhodarmer	6.52	Shannon Coleman	5.34
Henry Coggins	4.05	Stacy Caudle	2.15
HL Hoard Law PC	19.79	Standards-Ron Wilson	92.75
HL Hoard Law PC	43.20	Stanley Automotive Towing	1.86
Huckleberry Beard Company LLC	3.00	Stanley Roseboro	95.20
Hutchens Law Firm	1.44	Steve Arnold	3.64
Iantha Gaylord	1.56	Sue Mayberry	1.20
Ismael Juarez	4.00	Tambrey Clement	8.24
Jackie Fox	5.23	Taylor Law Firm	20.25
James Garde	72.00	Ted Huffstetler	6.41
James Poplin	7.55	Terrell Mobley	2.86
James Smith	68.59	Terry Curtis	70.00
James Smith	89.37	Thomas Moss	37.76
James Woodard	5.37	Timothy Morgan	24.64
Janice Adams	5.84	Timothy Morgan	79.71
Janice Hovis	2.00	Vernice Moore	7.59
Janine Parker	9.44	Virginia Head	1.97
Janine Parker	47.84	W Porter Rhoton III, Atty at Law	5.76
Jeffrey Henderson	32.54	W Porter Rhoton III, Atty at Law	5.96

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Jerry Ballard	4.94	W Porter Rhoton III, Atty at Law	12.04
Jerry Ballard	25.05	Walter Robinson	19.74
Jerry Ballard	25.05	Wanda Ballard	24.33
Jimmy Sutton	96.78	Wanda Ballard	24.87
Joann Barber	1.59	Warren Tadlock Chapter 13 Trustee	84.25
Joel Lunsford	4.45	Warren Tadlock Chapter 13 Trustee	35.82
Joel Williams	37.44	Wayne Glance	90.23
Johathan Hill	61.33	Wendy Smith	51.00
John Abernathy	24.56	Willie Baker	86.45
John Gwinn	67.29	Willie Baker	93.93
John Restrepo	6.24	Willie Baker	95.13
Johnny Toliver	61.31	Willie Baker	97.04
Johnny Toliver	67.13	WW Culp Inc	53.53
Johnny Toliver	67.33	Yul Emanuel Rainey	8.46

**TOTAL REAL PROPERTY TAX REFUNDS** **8,763.31**

Gaston County, North Carolina Listing of Property Tax Refunds Less Than \$100.00 for Vehicles  
To be Reported at the October 24, 2017 Board Meeting

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
Brent Blankenship	32.51	Maricara Montgomery	49.00
Brent Blankenship	36.67	Melanie Adams	85.55
Brent Blankenship	43.75	Melissa Adams	27.97
Caitlin Karalus	53.73	Michael Bolt	58.95
Charity Endsley	29.71	Michael Wooten	70.52
Charity Endsley	29.87	Natalie Quinn	79.95
Cindy Hagans	96.61	Rocio Martin Williamson	78.56
Dani Benavides	15.63	Shebra Pagan	60.88
Debra Bolin	28.64	Tina McMillan	5.54
Gaston County EMS	9.63	Tina McMillan	68.85
Julian Allen	11.37	Travis Gilmore	3.98
Julian Allen	20.22	Warren Tadlock Chapter 13 Trustee	5.19
Julie Cagle	6.16	Warren Tadlock Chapter 13 Trustee	12.30
Kelly Reeves	21.90	Warren Tadlock Chapter 13 Trustee	44.61
Kelly Reeves	23.20	<b>TOTAL HB20 REFUNDS</b>	<b>1,111.45</b>

**NC VTS Refunds**

Agerton, Thomas Gene	19.88	McPherson, Peggy Hester	53.89
Alexander, Angela Chambers	76.42	Medler, Sharell Larese	20.65
Allen, Kenneth Wayne	18.88	Minter, Lisa Faye	64.31
Barrett, Francis Alexander	69.89	Mitchell, John William JR	9.51
Bastos, Diomar Rocha	46.44	Mugridge, Mark John	18.74
Bastos, Diomar Rocha	43.82	Murray, Damon Neil	68.48
Beason, Michael Dean	60.93	Nelson, Susan Hoffman	21.47
Biddix, Raymond Boyd	9.52	Ormsby, Daniel Ray	26.07
Black, Robert Leonard	25.37	Ottinger, Jewell Mack	21.73
Bolton, Tommy Edward	16.10	Owens, Marie Nicole	18.89
Boyd, Monica Faith	19.67	Paquin, Janet Talbert	8.97
Brunswick, Gail Lynn	29.33	Parks, Bradley James	8.75
Buchanan, Cynthia Hester	84.43	Payseur, David Lamar	5.40
Bumgardner, Marla Pickering	21.65	Phillips, Christina Lynn Brown	27.59
Carnes, Connie Williams	20.24	Pillai, Ashok Palani	9.28
Cash, Jeffery Chad	60.29	Pilley, Sue Kathryn	28.44
Combest, Gordon Ray	21.89	Pilley, Sue Kathryn	60.54
Corkum, Wade Edward	22.71	Powell, Muriel	17.04
Crisp, Jack Laten	17.38	Price, George Gerald Jr	64.23
Current, Kathy Gatlin	73.66	Reynolds, Jason Mark	80.92
Depalma, William Charles	31.77	Reynolds, Tonya Noah	15.92
Drumm, James Marvin	14.75	Rhodes, Jerry Neil	78.96
Faulkenbury, Melissa Helms	30.73	Rhodes, Jerry Neil	1.94

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Ferretiz, Arturo Javier	10.04	Ridenhour, Teena Henline	36.28
Glisson, Brenda Huggins	45.42	Ross, Peggy Goodson	39.61
Greater Hopewell Full Gospel Church	37.00	Rundio, Henry Francis III	30.40
Green, Roy Franklin	81.48	Sanders, Diane Benton	5.18
Griffin, Bobby L. Jr.	65.20	Saunders, Vaughn Sececila	7.70
Gyscek, Carol A	16.74	Shelton, Randal Franklin	31.74
Hardy, Robert Kenneth	40.95	Singleton, Steven Maurey	30.17
Heberer, Amanda June	65.30	Singleton, Steven Maurey	35.99
Henderson, Benjamin Gilmore	65.31	Skidmore, Stephen Lee	20.07
Hoffman, Gary Charles	36.57	Smith, Clyde William	18.60
Howatt, Sayward Elizabeth	69.66	Smith, David Wayne	17.20
Howren, John Bernard Jr	15.95	Stamey, Kathy Reynolds	42.32
Hoyle, Tameka Lasha	88.62	Stanley, Connie Johnson	87.73
Huberth, Brian Joseph	44.94	Stroupe, Judith Sipe	38.55
Hudson, Adam Scott	52.17	Stroupe, William Michael	21.02
Hudson, Trina Parsons	30.80	Thomas, Lisa Annette	64.15
Humphries, Paul Douglas	41.63	Thomas, Ricky Jay	31.67
Hunter, Cameron Ross	96.56	Usery, Stephen Lamar	36.29
Jackson, Dennis Frank	63.77	Usery, Stephen Lamar	55.70
Jenkins, Clifford Varo III	68.31	Whitesides, Sharon Suzette	17.96
Jones, Rosa Davis	49.59	Wilson, Ruth Nottage	28.48
Kevin Richardson Grading Inc	86.76	Wood, Angelia Calhoun	91.88
Kirskey, Donald Reid	36.01	Wooten, Lewis Charles	5.60
Lay, Danny Gordon	71.92	Workman, Leesa Whiteside	25.11
Leeper, Trubbie Roland	16.65	Yamitelli, Anthony Joseph III	37.60
Leiton-Ramos, William Fabrico	35.78	Yarborough, Pamela Burkett	25.45
Leonard, Patricia Williamson	8.08	Yates, Bobby Wayne	46.17
McAteer, James Glenn	80.07	Zeller, Cory William	79.44
McMillan, Huey Alexander	23.33	<b>TOTAL VTS REFUNDS</b>	<b>4,020.14</b>
		<b>GRAND TOTAL VEHICLE TAX REFUNDS</b>	<b>5,131.59</b>

**2017-250 Commissioner Grant - Proclamation - To Proclaim the Week of October 8-14, 2017 as Fire Prevention Week and Adopt the Theme: Every Second Counts - Plan 2 Ways Out!**

**2017-251 Commissioner Brown - Parks and Recreation - To Accept and Appropriate Grant Funds from the Gaston Arts Council for the 30th Annual Cotton Ginning Days Festival (\$1,800) per Budget Change Request:**

Account Description	Account Number	Amount
NC Arts Council Grant	010-04-6120-0000-425006	(\$1,800)
Recreation Programming	010-04-6120-0000-560000-18068	\$1,800

**2017-252 Commissioner Brown - Police Department - To Accept Payment in the Amount of \$3,850 from Webb Metals and to Appropriate Drug Asset Forfeiture Funds for the Purpose of Purchasing Equipment per Budget Change Request:**

Account Description	Account Number	Amount
Fund Balance	025-99-9900-0000-490000	[ 42,500.00]
Asset Forfeiture - Treasury	025-02-4310-4310-530043-10002	42,500.00
Fund Balance	026-99-9900-0000-490000	[ 11,500.00]
Controlled Substance Abuse Tax	26-02-4310-4310-530045-50112	11,500.00
Miscellaneous Revenue	010-02-4310-4310-415000	[ 3,850.00]
Employee Training	010-02-4310-4310-520011	3,850.00



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**2017-253 Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the September Listed Tax Refunds be Made. (Real Estate - \$14,555.92; Vehicles and ETC - \$136.84; VTS Refunds - \$6,410.43; Grand Total - \$21,103.19) as follows:**

TAXPAYER NAME	OWNER NAME	AMOUNT
<b>SEPTEMBER 2017 REAL ESTATE</b>		
RACHEL FALLS ESTATE		\$200.00
FISHER, LISA BEATTY		\$116.94
BAKER, WILLIE		\$105.26
FIRST FEDERAL SAVINGS		\$451.20
HOGAN, THOMAS MILTON		\$141.21
BAKER, WILLIE		\$113.04
FRANCIS, JUSTIN MATT		\$116.72
SMITH, JAMES ANDREW		\$104.03
DELLINGER, RAY GLENN		\$131.23
DELLINGER, RAY GLENN		\$126.05
BEAVER, THOMAS B		\$1,306.49
SERVICELINK		\$119.79
FALLS, TERESA W		\$162.27
DALTON, BRYAN K		\$200.00
PATEL, RAJESHWARI A		\$176.29
GIBSON, SHARON H		\$186.16
YEARY HOMES LLC		\$542.01
LGI HOMES-NC LLC		\$281.63
LGI HOMES-NC LLC		\$281.63
LGI HOMES-NC LLC		\$281.63
LGI HOMES-NC LLC		\$281.63
MORRIS, VINCENT A		\$361.86
SAWYER, SUSAN DIANA		\$130.77
FLACK, RALPH K		\$990.90
UNIROYAL CHEMICAL CO		\$1,854.37
AUTEN, JAMES REGINAL		\$151.20
HARTLEY, SCOTT		\$877.98
HUFFSTETLER, TED		\$2,163.45
KELOW, INC		\$636.92
PATEL, RAJESHWARI A		\$155.59
SMITH, RALPH EDWARD		\$333.54
LEATHERWOOD, MARVIN		\$103.52
SAWYER, JOSHUA W		\$197.42
PARKER, CHARLES ALLEN		\$186.85
GWINN, JOHN F		\$136.50
HOGAN, THOMAS MILTON		\$140.55
FALLS, TERESA W		\$156.48
KOTULA, ROBERT T		\$148.10
LOCKLEAR, SAMANTHA		\$148.87
FRANCIS, JUSTIN MATT		\$116.72
ALLEN, RUTH O		\$139.12
<b>TOTAL</b>		<b>\$14,555.92</b>
<b>SEPTEMBER 2017 VEHICLES &amp; ETC</b>		
GASTON COUNTY EMS		\$136.84
<b>TOTAL</b>		<b>\$136.84</b>
<b>SEPTEMBER VTS REFUNDS</b>		
ALLEN, DENNIS EUGENE II		\$176.07
BOURGEOIS, ROBERT JOSEPH		\$187.53
BROOKS, TASHA SOFIA		\$240.26

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BRYANT, JOSHUA RAY	\$119.77
CASHMAN, PATRICK ANTHONY	\$180.37
GASTONIA NISSAN	\$195.61
GRIFFIN, CONSTANCE GEORGIA	\$181.34
HARTZIG, EDWARD GEORGE SR	\$205.98
HARVELL, CHRISTOPHER MICHAEL	\$155.72
JOHNSON, MABLE ARNOLD	\$298.24
JONES, RICHARD ALLEN	\$261.17
LEDWELL, RANDY SCOTT	\$103.35
LINCOLN COUNTY TAX DEPT	\$199.40
LINCOLN COUNTY TAX DEPT	\$106.16
MCILWAIN, SHARON JANELLE	\$370.94
MUNNELL, MARK EDWARD	\$181.23
PARK, JEREMY RYAN	\$158.42
PEARSON, CHARLES MARTIN	\$224.32
PENORO, SHANNON JULIE	\$404.73
PRICE, DONALD MERLE	\$182.83
REAGAN, KELVIN KELLY	\$403.90
ROBINSON, MICHAEL SCOTT	\$207.48
SANDERS, KEYONA LASHUNDA	\$114.64
SCHARBER, ERIC GREGORY	\$247.24
SCOTT, DEREK ALAN	\$212.41
SERVICE CITY TRENCHING, LLC	\$164.02
SEW MUCH FUN INC	\$416.37
SUMMITT, GREGORY DALE	\$124.77
WEAST, MADISON SHANDEL	\$105.90
WOLF, MICHAEL ALAN	\$280.26
<b>TOTAL</b>	<b>\$6,410.43</b>
 <b>GRAND TOTAL</b>	 <b>\$21,103.19</b>

**Non-Consent Agenda Items****2017-254 Commissioner Brown – County Attorney – To Amend a Section of Chapter 7 of the Gaston County Code of Ordinances to Prohibit Littering and Vehicles Improperly Securing and Transporting Waste (Second Reading)**

On motion introduced by Commissioner Philbeck and seconded by Commissioner Hovis, the BOC unanimously approved **2017-254** To Amend a Section of Chapter 7 of the Gaston County Code of Ordinances to Prohibit Littering and Vehicles Improperly Securing and Transporting Waste (Second Reading) as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances.

**2017-255 Commissioner Philbeck - County Attorney - To Amend Section of Chapter 7 of the Gaston County Code of Ordinance to Clarify the Appeal Process of Notice of Violations**

On motion introduced by Commissioner Philbeck, and seconded by Commissioner Fraley, the BOC unanimously approved **2017-255** To Amend Section of Chapter 7 of the Gaston County Code of Ordinance to Clarify the

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Appeal Process of Notice of Violations as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances.

**2017-256 Commissioner Worley - Sheriff's Office - To Authorize the Purchase of Three K-9s for the Detection and Apprehension of Explosive and Narcotics in the Jail, K-9 Vehicle, Radio & Siren, Kennel Vehicle Insert, Vehicle Painting, and Fuel and Maintenance for K-9 Vehicles**

On motion introduced by Commissioner Worley and seconded by Commissioner Hovis, the BOC unanimously approved **2017-256** authorizing the purchase of three K-9s for the detection and apprehension of explosives and narcotics in the jail, K-9 vehicle, radio & siren, kennel vehicle insert, vehicle painting, and fuel and maintenance for K-9 vehicles per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	010-99-9900-0000-490000	{52,100}
K-9 (bomb/drug FY 18)	010-02-4315-4315-560000-18125	52,100

**2017-000 MOVED TO 11/14/ Commissioner Hovis – Sheriff's Office – To Appropriate Funding and Authorize the Sheriff's Office to Implement GPS Electronic Monitoring for Offenders**

**Discussion Re: Ankle Bracelet Program**

Chairman Brown advised he asked the Sheriff to address the BOC about the Ankle Bracelet Program.

Sheriff Alan Cloninger cited the handout distributed to the BOC about *Fee for Costs of Electronic Monitoring* and advised:

- Sheriff's Office can collect a fee of \$10 or less but cannot charge an offender who is indigent and entitled to court-appointed counsel
- A 2000 Court of Appeals case (NC v. Laura Cottle Jarman) ruled that house arrest did not qualify for credit against a sentence per statutes so there would be no issue of someone under house arrest getting credit for being at home
- Regarding the question whether a law enforcement officer or deputy can arrest someone for violating the terms of pretrial release - Per *NCGS 15A-401(b) - Arrest by Officer without a Warrant and (f) states "has violated a pretrial release order entered under G.S. 15A-534 or GS 15A-531*
- G.S. 15-196.1 Credits allowed: States specifically that...*amount of time a defendant has spent, committed to or in confinement in any State or local jail...*
- G.S. 15A-534 (Procedure for determining conditions of pretrial release): Anticipate that Judges will be using this law, although it has not been confirmed; have confirmed with Judge Greenlee who is still on board with the program; *inmates would be released and placed into a supervision state at the Sheriff's Office but would not be in custody.*
- Checked with James (Jamie) Markham, Associate Professor of Public Law at Institute at Government, and he responded that the Sheriff's Office will not be responsible for their

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medical and meals; nor will they receive credit while at home, or they can be under section 5 which specifically says house arrest but they would have to have a secured appearance bond

- Asked Mr. Markham if the Sheriff can run a custody release program under G.S. 15A-534 and was advised that is proper (the arrest, not being responsible for medical and meals or defendant getting any type of credit)
- Had Captain Clemmer contact all 100 NC Sheriffs Offices today; 15 offices did not respond; 22 NC Sheriff Offices confirmed they have an Ankle Bracelet Program

Chairman Brown asked the BOC to submit their questions for the judges to the County Manager by Friday.

Sheriff Cloninger advised of a luncheon scheduled for the Judges to view the ankle bracelets. He invited Commissioners to attend.

Commissioner Philbeck advised the District Attorney sent out an email reiterating his position against ankle bracelets. He requested the County Manager to ask the judges for a written response of support.

Sheriff Cloninger advised he will meet with Judge Greenlee on Monday and noted that at the first meeting, all Judges, except Judge Hoyle, were present and were supportive of the idea; will ask Judge Greenlee to address other concerns and to provide BOC a written letter of support.

Commissioner Philbeck reiterated the County Manager is to contact the Judges per BOC directive. He noted that Mr. Doug Lance, Alternative Community Penalties Program (ACPP) has been asked to attend the November meeting to advise if this is a service ACPP can provide or assist with; BOC should have the information from the Judges by then.

Sheriff Cloninger responded that the Sheriff's Office and Judges have discussed the ACPP program and it was determined that Mr. Lance's program handles the lowest level of risk and provides no immediate response when inmates violate or cut off bracelets. The Sheriff's proposed program would handle higher risk inmates that require a greater level of supervision from the Sheriff's Office; when inmates violate any exclusions or inclusions, a Deputy would be deployed immediately.

Commissioner Philbeck reiterated that he would like clarification from the judges and a response from Mr. Lance.

Responding to Commissioner Fraley, Sheriff Cloninger stated the current jail population is 562.

Commissioner Hovis asked if the 22 counties with an Ankle Bracelet Program reported the effect it had on their jail population and the type of inmates in their program.

Sheriff Cloninger responded "no", but will inquire and obtain their policies and procedures. He asked if the BOC wanted the prioritized listing of jail needs via a Board Action.

Chairman Brown stated that the Board requested this prioritized list; he confirmed that the Sheriff should submit a Board Action for the November meeting.

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Sheriff Cloninger advised the jail has been written up by the State for the shower resurfacing and pod windows. He added that the old food carts continuously break down, and the kitchen equipment is old.

The County Manager advised everything on the prioritized list is needed, but noted that the body scanner due diligence is still proceeding (demo of device is scheduled) and the two food carts (\$9,000/cart) have been ordered. He pointed out this will involve a current year fund balance expenditure.

Sheriff Cloninger confirmed the body scanner demo is set for tomorrow, 2:00 PM, Sheriff's Office. Commissioner Keigher noted the body scanner's long-term payoff and Sheriff Cloninger cautioned that the scanner would not be a 100% catch-all.

Chairman Brown reported that he had toured the jail; would like the BOC to find a 5-10-year plan for facility needs. With discussion at an end, Chairman Brown moved to the next item of business.

**2017-257 Commissioner Hovis – County Attorney – To Authorize County Participation in Financing Construction of Water Interconnect Between Gastonia and Bessemer City**

On motion introduced by Commissioner Hovis and seconded by Commissioner Grant, the BOC unanimously approved **2017-257** authorizing County participation in financing construction of water interconnect between Gastonia and Bessemer City.

**2017-258 Commissioner Keigher – EDC – To Authorize the Gaston County Economic Development Commission to Apply for a Building Reuse Grant for Project ROO**

On motion introduced by Commissioner Keigher and seconded by Commissioner Fraley, the BOC unanimously approved **2017-258** as follows:

WHEREAS, Project ROO is considering an investment of \$8,900,000 to locate a manufacturing operation to Gaston County, including the installation of machinery and equipment and the up-fit of The Maistro building and the creation of at least fifty (50) new jobs expecting to pay an average annual wage of \$39,667 which is above the 2017 average annual wage of Gaston County of \$38,438; and,

WHEREAS, North Carolina General Statute §158-7.1 authorizes a County to undertake an economic development project by providing grants for rehabilitation of existing structures and the location of industry; and,

WHEREAS, the Gaston County Board of Commissioners finds that it is in the best interests of the County to apply for a Building Reuse Grant, a program offered by the Rural Economic Development Division (REDD) of the North Carolina Department of Commerce for Project ROO; and,

WHEREAS, the Gaston County Board of Commissioners understands that a local match of up to twenty five thousand dollars (\$25,000) is required should Project ROO be awarded this competitive grant; and,

WHEREAS, if awarded by the REDD of the North Carolina Department of Commerce, the Gaston County Board of Commissioners will conduct a properly advertised public hearing to consider whether to accept said Building Reuse Grant for Project ROO.

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NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby authorizes the Chairman of the Gaston County Board of Commissioners to:

1. Instruct the Gaston County Economic Development Commission to apply for a Building Reuse Grant from the REDD of NC Department of Commerce for Project ROO.
2. Execute any documents necessary to apply for this competitive State incentive program.

**Zoning Matters from Public Hearings**

**2017-259 Commissioner Philbeck – Planning/Zoning - Zoning Map Change: Z17-08, Chuck Coffey (Applicant): Property Parcels 170048, 131798 (portion of) and 207679 (portion of), Located at 114 Eason Road, Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District with the (US) Urban Standards Overlay District to the (I-2) General Industrial Zoning District with the (US) Urban Standards Overlay District**

Noting recent legislation changes, the County Attorney advised that statements of consistency must be included when approving map changes. It is no longer acceptable to make a conclusory statement that [the zoning map change] is compatible with our Comprehensive Plan. Staff does not know precisely what will be required in the future until someone is challenged in court. He noted the Resolution provides a statement that *“it is consistent with the Comprehensive Plan” should the BOC approve the request.* The Planning Board has recommended approval and the statement of consistency is *the request complies or is compatible with surrounding area that is already zoned I-2;* referring to the map, he noted that a substantial amount of property adjacent to the site is I-2; the Planning Board has recommended approval based on the *nature of the surrounding property that is zoned I-2;* if the BOC approves the Planning Board reasoning, staff will make that part of the statement of consistency and add it to the Resolution.

On motion introduced by Commissioner Philbeck and seconded by Commissioner Keigher, the BOC unanimously approved **2017-259** as follows:

Now, Therefore, Be It Resolved by the County Commission that after consideration of the map change application, public hearing comment and Planning Board recommendation:

- 1) The map change request is consistent with the County's approved Comprehensive Plan. The subject property is adjacent to, and is compatible with the surrounding area that is already zoned Industrial (I-2). The Commission considers this action to be reasonable and in the public interest, based on the Planning Board recommendation and compatibility with existing land uses in the immediate area. Property parcel(s): 170048, 131798 (portion of) and 207679 (portion of), to be approved effective with the passage of this Resolution.
- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

**2017-260 Commissioner Fraley – Planning/Zoning - Zoning Map Change: Z17-09, Betty Cabaniss (Applicant): Property Parcel(s) 209213 and 209212, Located at 601 Hephzibah Church Road, Crouse, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (R-3) Single Family General Zoning District**

The County Attorney advised that the Planning Board recommended approval by a unanimous vote. The statement of consistency is *the use is similar to the surrounding area. It remains residential in nature and downzones the residential use;* it is consistent with the Comprehensive Plan and the surrounding properties.



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On motion introduced by Commissioner Fraley and seconded by Commissioner Keigher, the BOC unanimously approved **2017-260** as follows:

Now, Therefore, Be It Resolved by the County Commission that after consideration of the map change application, public hearing comment and Planning Board recommendation:

- 1) The map change request is consistent with the County's approved Comprehensive Plan because it is a similar use to the surrounding area. The Commission considers this action to be reasonable and in the public interest, based on the Planning Board's recommendation and compatibility with existing land uses in the immediate area. Property parcel(s): 209213 and 209212, to be approved, effective with the passage of this Resolution.
- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

**TABLED      Commissioner Philbeck – Planning/Zoning - Zoning Map Change: Z17-10, Richard Welch (Applicant); Property Parcel: 169762, Located at 827 Dallas Spencer Mtn. Road, Dallas, Rezone from the (R-1) Single Family Limited Zoning District with the (US) Urban Standards Overlay District to the (C-1) Light Commercial Zoning District with the (US) Urban Standards Overlay District**

The County Attorney advised this is an existing commercial use, but *is compatible with the original Comprehensive Plan the County adopted that allowed neighborhood business uses*. The Planning Board recommended approval on a unanimous vote; the plan includes rural small businesses in rural communities.

Chairman Brown called for a motion to approve.

Commissioner Grant introduced the motion to approve, and Commissioner Keigher provided the second.

Chairman Brown called for discussion.

Commissioner Hovis advised the map did not show other surrounding properties with the commercial zoning; noted his concern regarding spot zoning. He asked if there were multiple parcels, or one parcel, and if there was other C-1 in the vicinity.

The County Attorney noted property in the upper left quadrant of those maps that shows some commercial uses. He noted that it involved multiple parcels; the original planning zone included the opportunity to have neighborhood businesses to operate in this zone; this request may be a little heavier use than those; a community garage is something that is traditional; there is other C-1 zoning in the vicinity.

Commissioner Philbeck advised, as the Resolution's sponsor, that he would support a PCUP instead of the map change due to the heavy residential surrounding the property; advised the notification that went out to property owners did not list what it could be rezoned as. He asked the BOC to delay this until the next meeting or deny it.

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Chairman Brown advised he was also hesitant to approve it since the only commercial entity within that area is the store and The Strawberry Patch.

Commissioner Philbeck explained there may be an assumption (on the part of the residents) that it is going to be rezoned and continue in its current use; the list of uses is not sent to property owners. He stated he is in favor of calling the residents about the use list or, asking the applicant to apply for a PCUP – if that is possible.

The County Attorney advised if the BOC denies the request the Applicant can request a PCUP.

Commissioner Philbeck introduced a motion to table, and Commissioner Fraley provided the second.

Chairman Brown called for the vote on the motion to table which carried unanimously as follows:

Ayes: Commissioners Brown, Worley, Fraley, Grant, Keigher, Philbeck, Keigher

(Commissioner Hovis failed to vote; therefore his vote was cast with the majority.)

Mrs. Penley asked if the BOC wanted the Planning & Development Services Director to call property owners and address the individual use table. She noted that the Department had always included the list of uses with the mail out and notifications but there was some prior directive by the Planning Board to remove that list of uses from the table because it was often confusing to the recipients and/or adjoining property owners.

Commissioner Philbeck stated that it should be included going forward.

### **Re: The Naming of Private Drive as H And H Farm Road**

Mrs. Penley an adjoining property owner requested to address the Board about the H And H Farm Road renaming, which was approved earlier in the meeting.

Chairman Brown confirmed it had already been approved but invited her to the podium to speak.

Ms. Wilma Wilson, 3951 Puetts Chapel Rd., Dallas advised she heard it was going to be a housing development; she noted the property had been used by four wheelers and motorcycles the past couple years. She noted the noise issue and suggested the road be moved further to the right.

Mrs. Penley explained the road naming process was for 911 purposes; the Zoning Office would assist them with questions about any subdivision, location, regulations or driveway on the property in the morning.

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**2017-261 Commissioner Brown – Planning/Zoning - Zoning Text Amendment: ZTA 17-01 – Applicant: Gaston County Planning Board - To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO) - Chapter 2 (Definitions): Section 2.7; Chapter 7 (Uses and Building Lot Standards): Table 7.1-1 and Section 7.6.3; Chapter 8 (Supplemental Regulations): Sections 8.2.11, 8.2.42, 8.3.11; Chapter 12 (Sign Regulations): Tables 12.4.2, 12.4-3 and Section 12.5.4**

The County Attorney advised the Planning Board recommended approval by a unanimous vote for these clarifying amendments to the UDO.

On motion introduced by Commissioner Philbeck and seconded by Commissioner Hovis, the BOC unanimously approved **2017-261** as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances.

### Appointments

On motions introduced and seconded, the following individuals were unanimously reappointed to the **Transportation Advisory Board**:

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Fraley	Commissioner Brown	Ms. Charity Patterson	November 30, 2020
Commissioner Fraley	Commissioner Brown	Mr. Mark Lamphiear	November 30, 2020
Commissioner Fraley	Commissioner Brown	Ms. Shelly Alman	November 30, 2020
Commissioner Grant	Commissioner Brown	Ms. Tina Stogner	November 30, 2020
Commissioner Grant	Commissioner Brown	Ms. Terri Sanford	November 30, 2020
Commissioner Philbeck	Commissioner Hovis	Ms. La Verne Partlow	November 30, 2020
Commissioner Keigher	Commissioner Brown	Mr. Eric F. Davis	November 30, 2020
Commissioner Brown	Commissioner Keigher	Ms. Joann Raxter	November 30, 2020

On motion introduced by Commissioner Hovis and seconded by Commissioner Keigher, the BOC unanimously reappointed Mr. Larry Garland to the **Workforce Development Board** to a term ending May 31, 2020.

### Commissioners Committee Reports

Commissioner Fraley reported meeting attendance to the **Gaston/Cleveland/Lincoln MPO** - made recommendations on the top 25 projects being submitted to Raleigh; anyone interested in seeing the list can contact the Clerk.

Commissioner Keigher reported meeting attendance to the **NCACC Board of Directors Meeting** and distributed the meeting agenda with notes; District 12 represents Catawba, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanley and Union counties; Clerk has also sent the information to those counties; **CaroMont Health Board of Directors** - Board met last night; was updated on the financials; so far this year everything is better than projected; Courtland Terrace has been upgraded; CaroMont is working on new venues to increase revenues; thanked the BOC for attending their social.

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Chairman Brown reported on ***Health and Human Services Board Vehicle Tracking Program*** - will try to schedule this for December Work Session; was impressed with presentation; program can detect if the vehicle stops quickly and if quickest route wasn't used and alerts Director or Department Head; ***Gaston Hospice*** - introduced and thanked Mr. Richard Lahm, Director of Gaston Hospice, for attending BOC meeting.

#### **County Manager's Report**

The County Manager presented:

- The Adult Aging Services, in collaboration with Bethlehem Church, has received a *Social Services Institute Best Practices Award* for some of their programs; encouraged by the level of collaboration the County has with people in the faith community and various nonprofits.

#### **County Attorney's Report**

The County Attorney advised the County received notice from Preservation North Carolina that they wish to exercise the option to purchase Arlington School; staff has prepared a deed to do that as quickly as possible; hopefully it will result in a successful reuse of that property.

#### **1. Closed Session Pursuant to NCGS 143-318.11(a)(6) – Personnel Matters**

Chairman Brown called for a motion to enter into Closed Session.

On motion introduced by Commissioner Worley and seconded by Commissioner Keigher, the BOC unanimously entered into Closed Session at 7:50 pm.

On motion introduced by Commissioner Hovis and seconded by Commissioner Grant, the BOC unanimously reentered Open Session at 9:01 pm.

Chairman Brown announced that no action was taken.

#### **Other Matters**

None.

#### **Adjournment**

Chairman Brown called for a motion to adjourn the meeting.

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On motion introduced by Commissioner Hovis and seconded by Commissioner Philbeck, the BOC unanimously adjourned the Regular Meeting of October 24, 2017 at 9:02 pm.

(All aforementioned documents are on file with the Clerk to the Board.)

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Chad Brown, Chairman  
Gaston County Board of Commissioners

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Donna S. Buff  
Clerk to the Board

SEAL